

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #7	CCRB Case #: 201901727	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/02/2019 4:23 PM	Location of Incident: Over the phone, 44th Precinct Stationhouse	Precinct: 44	18 Mo. SOL 8/2/2020	EO SOL 3/19/2021	
Date/Time CV Reported Wed, 02/20/2019 2:32 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Wed, 02/20/2019 2:32 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Curtis Cato	00191	945411	044 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Curtis Cato	Discourtesy: Detective Curtis Cato acted discourteously toward § 87(2)(b)	
B.DT3 Curtis Cato	Abuse: Detective Curtis Cato threatened to arrest § 87(2)(b)	

Case Summary

On February 20, 2019, § 87(2)(b) filed this complaint with the CCRB via mail [BR 01].

On February 2, 2019, at approximately 4:23 p.m., § 87(2)(b) called Det. Curtis Cato of the 44th Precinct Detective Squad to follow up on the status of the criminal charges he filed against his common-law wife, § 87(2)(b). Det. Cato allegedly accused § 87(2)(b) of screaming at him and hung up the call (**Allegation A: Discourtesy**, § 87(2)(g)). That same day, at approximately 5:00 p.m., § 87(2)(b) went to the 44th Precinct Stationhouse located at 2 East 169th Street in the Bronx. Det. Cato spoke to § 87(2)(b) outside the stationhouse and allegedly told him that if he arrested § 87(2)(b) then he would arrest § 87(2)(b) as well (**Allegation B: Abuse of Authority**, § 87(2)(g)). The investigation does not possess any video footage of this incident.

Findings and Recommendations

Allegation A – Discourtesy: Detective Curtis Cato acted discourteously toward § 87(2)(b)

Allegation B – Abuse of Authority: Detective Curtis Cato threatened to arrest § 87(2)(b)

It is undisputed that § 87(2)(b) called Det. Cato on February 2, 2019, that he spoke to Det. Cato outside of the 44th Precinct Stationhouse later that day, and that Det. Cato told § 87(2)(b) he could be arrested. § 87(2)(g)

On March 1, 2019, § 87(2)(b) provided a phone statement to the CCRB and accepted mediation [BR 02]. On May 21, 2019, this case was returned from mediation and § 87(2)(b) provided an in-person statement the same day [BR 03]. § 87(2)(b) alleged that on February 2, 2019, while on his way to the 44th Precinct Stationhouse, he called Det. Cato to check the status of his case against § 87(2)(b) in which he claimed that § 87(2)(b) stole money from his apartment. During the call, § 87(2)(b) accused Det. Cato of not wanting to do anything with his case and asked Det. Cato what he would do if this happened to one of his relatives. Det. Cato accused § 87(2)(b) of screaming at him and hung up the phone. § 87(2)(b)'s call log shows that he called Det. Cato at 4:23 p.m. and that the call lasted one minute and 22 seconds [BR 04]. § 87(2)(b) continued to the stationhouse and waited downstairs for Det. Cato. When Det. Cato emerged, he brought § 87(2)(b) outside and spoke to him in front of the stationhouse. § 87(2)(b) was upset and asked Det. Cato what was going on with his case. Det. Cato informed § 87(2)(b) – as he had done in the past – that because § 87(2)(b) did not see § 87(2)(b) steal his money, he could not arrest her. § 87(2)(b) objected and told Det. Cato that he saw § 87(2)(b) leaving his apartment building the day of the alleged theft and said that she is the only one with keys to his apartment. During this conversation, Det. Cato told § 87(2)(b) that if he arrested § 87(2)(b) he was going to arrest § 87(2)(b) too. § 87(2)(b) asked Det. Cato why he would arrest him when he was the one that filed the complaint against § 87(2)(b). Det. Cato responded that that was “the law” but did not provide any additional explanation of why § 87(2)(b) would also be arrested.

Det. Cato was interviewed at the CCRB on June 5, 2019 [BR 05]. He stated that on numerous occasions, § 87(2)(b) told him that he did not witness § 87(2)(b) take the money from his apartment. On an unknown date prior to February 2, 2019, Det. Cato re-iterated to § 87(2)(b) that he could not arrest § 87(2)(b) because § 87(2)(b) did not see her take his money. § 87(2)(b) denied stealing the money, and there were no other witnesses or video footage. § 87(2)(b) then changed his story and told Det. Cato that he saw § 87(2)(b) take his money. At that time, Det. Cato informed § 87(2)(b) that if he swore in court that he saw § 87(2)(b) take the

money and it was determined that that was a lie, he could be arrested for perjury. § 87(2)(b) responded, “Okay. I didn’t see her take the money. But I still want her arrested.” Det. Cato again refused to arrest § 87(2)(b). Det. Cato confirmed that he spoke to § 87(2)(b) again at the stationhouse on February 2, 2019. However, he did not recall if § 87(2)(b) called him anytime earlier that day. Det. Cato was described the alleged phone conversation between him and § 87(2)(b) but did not recall the conversation. He denied that he hung up on § 87(2)(b) as alleged and stated that he would not hang up on one of his victims. During their exchange at the stationhouse, § 87(2)(b) again told Det. Cato that he wanted § 87(2)(b) arrested. Det. Cato told § 87(2)(b) that, as they had discussed on numerous occasions, he could not arrest § 87(2)(b) without any witnesses or video footage. Det. Cato believed he again informed § 87(2)(b) that he may be arrested if he goes to court and his testimony is determined to be untrue. Det. Cato was unsure if § 87(2)(b) mentioned any changes to his story during their conversation on February 2, 2019, because § 87(2)(b) was emotional and Det. Cato could not recall all of what he said. Aside from possible perjury charges, there was nothing else § 87(2)(b) could have been arrested for. Det. Cato denied telling § 87(2)(b) that if he arrested § 87(2)(b) then he would also arrest § 87(2)(b).

In a follow-up call with § 87(2)(b) on June 5, 2019 [BR 06], he denied that he ever told Det. Cato that he saw § 87(2)(b) take his money. He maintained that all he told Det. Cato was that he saw § 87(2)(b) leaving his apartment building the day of the alleged theft.

Neither Det. Cato nor § 87(2)(b) placed any witnesses in the vicinity at the time of the alleged threat of arrest. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 07].
- Det. Cato has been a member-of-service for 11 years and has been a subject in four other CCRB complaints and 10 allegations, none of which have been substantiated.

Mediation, Civil and Criminal Histories

- As mentioned above, on March 1, 2019, this case was sent to mediation. A mediation session was held on May 21, 2019. The same day, the case was returned to investigation.
- A Notice of Claim was submitted to the New York City Office of the Comptroller on June 6, 2019, and will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: ____7____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date